

is such that when the support member securing mechanism is positioned between the user's box spring and a mattress having weight, and when the support member is affixed with the support member securing mechanism, the support member securing mechanism remains affixed with the user's bed through the weight of the mattress alone, and where the size is sufficient to maintain the support member securing mechanism affixed with the user's bed when a user's weight is positioned upon the support member;

an attachment for connecting with and between each of the four fasteners;
and

wherein the attachment is a body sling with a plurality of attachment parts, each of the attachment parts being formed to be attached with a fastener such that the body sling can be attached with the four ~~for attaching with a plurality of~~ fasteners, such that the body sling can be connected between the four fasteners of ~~both pairs of support members~~ to effectively hold a user's body elevated above a bed's surface, whereby using the support member securing mechanisms, a user may secure the enhancer device with a user's bed, allowing the user to thereafter connect the attachment with the four fasteners, thereby enhancing the utility and look of the user's bed.

REMARKS

This reply is fully responsive to the Office Action dated December 11, 2006, and is filed within six (6) months of the mailing date of the office action. The method of payment and any necessary fees due in connection therewith is enclosed.

Objection/Rejection Summary

This application has been carefully reviewed in light of the Office Action of December 11, 2006, wherein:

A. Claims 1, 3-6, 8-21, 23-27, 29-34, 36-39, 41-55, and 57-68 were rejected under 35 U.S.C. §112;

- 5 B. Claims 1, 21, 23, 25, 29, 31, 34, 54, 57, 59, 62, 64, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by Waters (U.S. Patent No. 2,792,266, hereinafter referred to as the Waters patent);
- C. Claims 1, 3, 21, 23, 25, 26, 29, 31, 32, 33, 34, 36, 37, 54, 55, 57, 59, 60, 62, and 64-67 were rejected under 35 U.S.C. §102(b) as being anticipated by Marlow
10 (U.S. Patent No. 5,868,694, hereinafter referred to as the Marlow patent);
- D. Claims 1, 3, 23, 25, 29, 31, 34, 36, 37, 55, 57, 59, 62, 64, and 67 were rejected under 35 U.S.C. §102(a) as being anticipated by Greenfield (U.S. Patent Publication No. 2003/0182726, hereinafter referred to as the Greenfield reference);
- 15 E. Claims 1, 3-6, 8, 10, 19, 20, 21, 23, 25, 29, 34, 36-39, 41, 43, 44, 52-55, 57, 59, 62, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by Thomsen (U.S. Patent No. 1,546,813, hereinafter referred to as the Thomsen patent);
- F. Claims 1, 3-6, 8, 10, 11, 19, 20, 23, 25, 26, 29, 32, 34, 36-39, 41, 43, 44, 52, 53,
20 55, 57, 59, 60, 62, 65, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by Johnson (U.S. Patent No. 924,075, hereinafter referred to as the Johnson patent);
- G. Claims 1, 3, 4, 21, 23, 25, 26, 27, 29, 30-34, 36, 37, 54, 55, 57, and 59-68 were rejected under 35 U.S.C. §102(b) as being anticipated by Lewis Jr. (U.S. Patent
25 No. 2,736,131, hereinafter referred to as the Lewis patent);
- H. Claims 9, 24, 42, and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Thomsen patent;
- I. Claims 12-14, 30, 45-47, 61, 63, and 68 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Johnson patent in view of the Lewis patent;
- 30 J. Claims 1, 3, 23, 24, 25, 29, 32, 33, 34, 36, 37, 55, 57, 58, 59, 62, 65, 66, and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shepard (U.S. Patent No. 2,696,963, hereinafter referred to as the Shepard patent) in view of duplication of parts;

- 5 K. Claims 4-6, 8-10, 19, 20, 38, 39, 41-43, 52, and 53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shepard and further in view of McConnell (U.S. Patent No. 4,576,501, hereinafter referred to as the McConnell patent);
- L. Claims 21 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shepard and further in view of Matsuoka (U.S. Patent No. 2,909,345, hereinafter referred to as the Matsuoka patent);
- 10 M. Claims 31 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable over Shepard and further in view of the Matsuoka patent; and
- N. Claims 15-18 and 48-51 would be allowable if rewritten to overcome the 35 U.S.C. §112 rejections and to include all of the limitations of the base claim and
- 15 any intervening claims.

Claim Rejections – 35 U.S.C. §112

- A. Turning now to the Office Action, the Examiner rejected Claims 1, 3-6, 8-21, 23-27, 29-34, 36-39, 41-55, and 57-68 under 35 U.S.C. §112.

20 The Examiner stated that the claims were indefinite in that it is unclear how the “fasteners” are related. A fastener is attached with the distal end of each support member. As stated in paragraph 50, “The fastener 106 is connected with a distal end 108 of the support member 104. The fastener 106 may be any suitable mechanism or device

25 for attaching one object with another, a non-limiting example of which includes a hook, a hoop, and a ring that can rotate relative to the support member 104” (see paragraph 50 of the present application).

Thus, the attachment can be connected with one, or both of the fasteners. The Applicant

30 apologizes for the confusion, but feels that one skilled in the art clearly understands that given two fasteners, “an attachment for connecting with at least one fastener” clearly implies that the attachment can be connected with either one of, or both of, the fasteners.

Nevertheless, to remove any further confusion, the pertinent parts of Claim 1 have been

35 amended as follows:

5 “...further comprising an attachment for connecting with at least one of
the two fasteners ~~fastener~~;

 whereby using the support member securing mechanisms, a user may
secure the enhancer device with a user’s bed, allowing the user to thereafter
connect the attachment with at least one of the two fasteners ~~the fastener~~, thereby
10 enhancing the utility and look of the user’s bed.”

Claim 34, although slightly different than Claim 1, has also been amended to include
similar limitations as those set forth above regarding Claim 1.

15 Referring to Claims 12, 27, 30, 45, 61, 63, and 68, the Examiner stated that a “plurality of
fasteners” is recited and that it is unclear how this relates to the other fasteners listed in
the claims. The Applicant apologizes for any confusion, but feels that one skilled in the
art clearly understands that given the recitation of multiple fasteners, the statement that
“the attachment is a body sling with a plurality of attachment parts for attaching with a
20 plurality of fasteners” clearly implies that the body sling can be attached with the
multiple fasteners (as already listed in the claim). Thus, the “plurality of fasteners”
clearly refers to the fact that multiple (a plurality of) fasteners have already been included
in the claim and that the attachment can be connected with more than one fastener, such
as being connected between them all (the plurality of fasteners). Given the common
25 meaning of the term plurality, the Applicant does not feel it is necessary to include a
limitation such as “the first fastener, the second fastener, and the third fastener constitute
a plurality of fasteners.”

Nevertheless, to further remove any confusion, the pertinent parts of Claim 12 have been
amended as follows:

30 “...a third fastener connected with the distal end of the third support
member, the two fasteners and the third fastener constituting a plurality of
fasteners;

 a third support member securing mechanism attached with the third
support member;

5 wherein the attachment is a body sling with a plurality of attachment parts,
 each of the attachment parts being formed to be attached with a fastener such that
 the body sling can be attached with the ~~for attaching with a~~ plurality of fasteners,
 whereby utilization of the body sling allows a body of a user to be elevated above
 a bed's surface."

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The remaining claims, Claims 27, 30, 45, 61, 63, and 68 have been amended similarly to
further clarify the "plurality of fasteners."

Thus, the Applicant believes that the Claims are no longer indefinite and respectfully
15 requests that the Examiner withdraw this rejection.

Claim Rejections – 35 U.S.C. §102

B. Claims 1, 21, 23, 25, 29, 31, 34, 54, 57, 59, 62, 64, and 67 were rejected under 35
U.S.C. §102(b) as being anticipated by the Waters patent.

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The Examiner stated that Claims 1, 21, 23, 25, 29, 31, 34, 54, 57, 59, 62, 64, and 67 were
anticipated by the Waters patent.

1. The cited prior art does not establish a *prima facie* case of anticipation

25 Regarding anticipation, the Federal Circuit stated that under 35 U.S.C. § 102(b), "There
must be no difference between the claimed invention and the reference disclosure, as
viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic &
Research Found v. Genentech Inc.*, 927 F.2d 1576.

30 Furthermore, the Federal Circuit stated that under 35 U.S.C. § 102, "anticipation requires
the presence in a single prior art reference disclosure of each and every element of the
claimed invention, arranged as in the claim." *Lindemann Maschinenfabrik GmbH v.
American Hoist & Derrick Co.*, 730 F.2d 1452.

5 Therefore, in order to establish a prima facie case of anticipation the Examiner must set forth an argument that provides (1) a single reference (2) that teaches or enables (3) each of the claimed elements (as arranged in the claim) (4) either expressly or inherently and (5) as interpreted by one of ordinary skill in the art. All of these factors must be present, or a case of anticipation is not met.

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As applied to the present case, the Examiner stated that the Waters patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have been amended to further define the support member securing mechanism and the interrelationship between the support member and the support member securing mechanism, which distinguishes it from the Waters patent.

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For example, the Waters patent fails to teach:

“...wherein when each support member is attached with a support member securing mechanism, *the distal end of each support member extends laterally over the attached support member securing mechanism*; and
...where the support member securing mechanism *remains affixed with the user's bed through the weight of the mattress alone...*”

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To be contrasted with the present invention, the Waters patent discloses a support member that includes a distal end (element 7 in FIG. 2) that extends off to the side and not *over* the support member securing mechanism. Further, the support member securing mechanism of the Waters patent is affixed with the user's bed through use of a plate (element 15a in FIG. 3) that is bolted to the bed (element 1 in FIG. 3). The plate 15a disclosed by the Waters patent is not sufficiently large enough to remain affixed with the bed via the weight of the mattress alone. Thus, the Waters patent does not disclose each element of the claimed invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

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Regarding the remaining claims, Claims 21, 23, 25, 29, 31, 54, 57, 59, 62, and 64, the Applicant directs the Examiner to the comments above regarding the independent claims.

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5 Because the independent claims are allowable, the Applicant believes that Claims 21, 23, 25, 29, 31, 54, 57, 59, 62, and 64, which depend therefrom, are also allowable, at least based on their dependency upon an allowable base claim. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection and provide for timely allowance of all pending claims.

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C. Claims 1, 3, 21, 23, 25, 26, 29, 31, 32, 33, 34, 36, 37, 54, 55, 57, 59, 60, 62, and 64-67 were rejected under 35 U.S.C. §102(b) as being anticipated by the Marlow patent.

15 The Examiner stated that the Marlow patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have been amended to further define the support member securing mechanism and the interrelationship between the support member and the support member securing mechanism, which distinguishes it from the Marlow patent.

20

For example, the Marlow patent fails to teach:

“...wherein each of the support member securing mechanisms is substantially planar for placement between a user’s box spring and a user’s mattress, and being formed to be *detachably attached with a single support member*; and...

25

... where *the size is sufficient to maintain the support member securing mechanism affixed with the user’s bed when a user’s weight is positioned upon the support member...*”

30 To be contrasted with the present invention, the Marlow patent discloses a single support member securing mechanism that is affixed with two support members (not a single support member, as is claimed). The device taught by the Marlow patent requires a single support member securing mechanism attached with the two support members so that it can remain in a fixed alignment with respect to one another to flank a user’s torso.

35 Alternatively and as is claimed in the present invention, two separate support member

5 securing mechanism are used so that they can be positioned at each side of the user's bed.
Each support member securing mechanism is then attached with a single support member
to suspend the distal end of the support member over the user's bed.

10 Additionally, as illustrated in FIG. 1 of the Marlow patent, one skilled in the art can
appreciate that if a user's weight is positioned upon the support member, the size of the
support member securing mechanism is insufficient to maintain the device affixed with
the user's bed. Thus, the Marlow patent does not disclose each element of the claimed
invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this
rejection.

15 Regarding the remaining claims, Claims 3, 21, 23, 25, 26, 29, 31, 32, 33, 36, 37, 54, 55,
57, 59, 60, 62, and 64-66, the Applicant directs the Examiner to the comments above
regarding the independent claims. Because the independent claims are allowable, the
Applicant believes that Claims 3, 21, 23, 25, 26, 29, 31, 32, 33, 36, 37, 54, 55, 57, 59, 60,
20 62, and 64-66, which depend therefrom, are also allowable, at least based on their
dependency upon an allowable base claim. Thus, the Applicant respectfully requests that
the Examiner withdraw this rejection and provide for timely allowance of all pending
claims.

25 D. Claims 1, 3, 23, 25, 29, 31, 34, 36, 37, 55, 57, 59, 62, 64, and 67 were rejected
under 35 U.S.C. §102(a) as being anticipated the Greenfield reference.

The Examiner stated that the Greenfield reference anticipates the present application.
The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have
30 been amended to further define the support member securing mechanism and the
interrelationship between the support member and the support member securing
mechanism, which distinguishes it from the Greenfield reference.

For example, the Greenfield reference fails to teach:

5 “...wherein each of the support member securing mechanisms is
substantially planar for placement between a user’s box spring and a user’s
mattress...
 wherein when each support member is attached with a support member
securing mechanism, *the distal end of each support member extends laterally over*
10 *the attached support member securing mechanism; and*
 ...where the support member securing mechanism *remains affixed with*
the user’s bed through the weight of the mattress alone...”

To be contrasted with the present invention, the Greenfield reference discloses a support
15 member that includes a distal end (element 24 in FIG. 1) that extends off to the side and
not *over* the support member securing mechanism.

Further, the support member securing mechanism of the Greenfield reference is affixed
with the user’s bed through use of a bolt-type mechanism (element 12 in FIG. 1) that is
20 bolted to or otherwise tightened against the bed. As shown, the bolt-type mechanism
disclosed by the Greenfield reference is not sufficiently large enough to remain affixed
with the bed via the weight of the mattress alone.

Finally, the Greenfield reference does not disclose a support member securing
25 mechanism that is substantially planar for placement between the user’s box spring and
mattress. Thus, the Greenfield reference does not disclose each element of the claimed
invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this
rejection.

30 Regarding the remaining claims, Claims 3, 23, 25, 29, 31, 36, 37, 55, 57, 59, 62, and 64,
the Applicant directs the Examiner to the comments above regarding the independent
claims. Because the independent claims are allowable, the Applicant believes that
Claims 3, 23, 25, 29, 31, 36, 37, 55, 57, 59, 62, and 64, which depend therefrom, are also
allowable, at least based on their dependency upon an allowable base claim. Thus, the

5 Applicant respectfully requests that the Examiner withdraw this rejection and provide for timely allowance of all pending claims.

E. Claims 1, 3-6, 8, 10, 19, 20, 21, 23, 25, 29, 34, 36-39, 41, 43, 44, 52-55, 57, 59,
62, and 67 were rejected under 35 U.S.C. §102(b) as being anticipated by the
10 Thomsen patent.

The Examiner stated that the Thomsen patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have been amended to further define the support member securing mechanism and the
15 interrelationship between the support member and the support member securing mechanism, which distinguishes it from the Thomsen patent.

For example, the Thomsen patent fails to teach:

“...wherein when each support member is attached with a support member
20 securing mechanism, *the distal end of each support member extends laterally over the attached support member securing mechanism...*

...wherein each of the support member securing mechanisms is substantially planar for placement between a user's box spring and a user's mattress, and being formed to be *detachably attached with a single support
25 member*; and...”

To be contrasted with the present invention, the Thomsen patent discloses a support member that includes a distal end (element 32 in FIG. 1) that extends vertically up from the support member securing mechanism and not over the support member securing
30 mechanism, as claimed by the present invention.

Additionally, as shown in FIG. 7, the Thomsen patent discloses a single support member securing mechanism that is affixed with two support members (not a single support member, as is claimed). The device taught by the Thomsen patent requires a single
35 support member securing mechanism attached with the two support members so that it

5 can remain in a fixed alignment with respect to one another to allow for obstetric
examinations. To be contrasted with the present invention, two separate support member
securing mechanism are used so that they can be positioned at each side of the user's bed.
Each support member securing mechanism is then attached with a single support member
to suspend the distal end of the support member over the user's bed.

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Thus, the Thomsen patent does not disclose each element of the claimed invention.
Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

Regarding the remaining claims, Claims 3-6, 8, 10, 19, 20, 21, 23, 25, 29, 36-39, 41, 43,
15 44, 52-55, 57, 59, and 62, the Applicant directs the Examiner to the comments above
regarding the independent claims. Because the independent claims are allowable, the
Applicant believes that Claims 3-6, 8, 10, 19, 20, 21, 23, 25, 29, 36-39, 41, 43, 44, 52-55,
57, 59, and 62, which depend therefrom, are also allowable, at least based on their
dependency upon an allowable base claim. Thus, the Applicant respectfully requests that
20 the Examiner withdraw this rejection and provide for timely allowance of all pending
claims.

F. Claims 1, 3-6, 8, 10, 11, 19, 20, 23, 25, 26, 29, 32, 34, 36-39, 41, 43, 44, 52, 53,
55, 57, 59, 60, 62, 65, and 67 were rejected under 35 U.S.C. §102(b) as being
25 anticipated by the Johnson patent.

The Examiner stated that the Johnson patent anticipates the present application. The
Applicant respectfully disagrees. The independent claims, Claims 1, 34, and 67 have
been amended to further define the support member securing mechanism and the
30 interrelationship between the support member and the support member securing
mechanism, which distinguishes it from the Greenfield reference.

For example, the Johnson patent fails to teach:

5 “...wherein each of the support member securing mechanisms is
substantially planar for placement between a user's box spring and a user's
mattress...

 ...where the support member securing mechanism *remains affixed with*
the user's bed through the weight of the mattress alone...”

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To be contrasted with the present invention, the Johnson patent discloses a support
member securing mechanism that is a clamp-type mechanism that is tightened against the
user's bed. Alternatively, the present invention claims a support member securing
mechanism that is substantially planar for placement between the user's box spring and
15 mattress.

Further, as shown in the Johnson patent, the clamp-type mechanism is not sufficiently
large enough to remain affixed with the bed via the weight of the mattress alone.

20 Thus, the Johnson patent does not disclose each element of the claimed invention.
Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

Regarding the remaining claims, Claims 3-6, 8, 10, 11, 19, 20, 23, 25, 26, 29, 32, 34, 36-
39, 41, 43, 44, 52, 53, 55, 57, 59, 60, 62, and 65, the Applicant directs the Examiner to
25 the comments above regarding the independent claims. Because the independent claims
are allowable, the Applicant believes that Claims 3-6, 8, 10, 11, 19, 20, 23, 25, 26, 29, 32,
34, 36-39, 41, 43, 44, 52, 53, 55, 57, 59, 60, 62, and 65, which depend therefrom, are also
allowable, at least based on their dependency upon an allowable base claim. Thus, the
Applicant respectfully requests that the Examiner withdraw this rejection and provide for
30 timely allowance of all pending claims.

G. Claims 1, 3, 4, 21, 23, 25, 26, 27, 29, 30-34, 36, 37, 54, 55, 57, and 59-68 were
rejected under 35 U.S.C. §102(b) as being anticipated by the Lewis patent.

5 The Examiner stated that the Lewis patent anticipates the present application. The Applicant respectfully disagrees. The independent claims, Claims 1, 34, 67 and 68 have been amended to further define the support member securing mechanism and the interrelationship between the support member and the support member securing mechanism, which distinguishes it from the Thomsen patent.

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For example, the Lewis patent fails to teach:

“...wherein when each support member is attached with a support member securing mechanism, *the distal end of each support member extends laterally over the attached support member securing mechanism...*

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To be contrasted with the present invention, the Lewis patent discloses a support member that includes a distal end (approximately at element 24 in FIG. 2) that extends vertically up from the support member securing mechanism and not over the support member securing mechanism, as claimed by the present invention.

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Thus, the Lewis patent does not disclose each element of the claimed invention. Therefore, the Applicant respectfully requests that the Examiner withdraw this rejection.

Regarding the remaining claims, Claims 3, 4, 21, 23, 25, 26, 27, 29, 30-33, 36, 37, 54, 55, 25 57, and 59-66, the Applicant directs the Examiner to the comments above regarding the independent claims. Because the independent claims are allowable, the Applicant believes that Claims 3, 4, 21, 23, 25, 26, 27, 29, 30-33, 36, 37, 54, 55, 57, and 59-66, which depend therefrom, are also allowable, at least based on their dependency upon an allowable base claim. Thus, the Applicant respectfully requests that the Examiner 30 withdraw this rejection and provide for timely allowance of all pending claims.

Claim Rejections – 35 U.S.C. §103(a)

35 H. Claims 9, 24, 42, and 58 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Thomsen patent.

1. The cited prior art does not establish a prima facie case of obviousness

In order to establish a *prima facie* case of obviousness, the Examiner must set forth an argument that provides (1) one or more references (2) that were available to the inventor and (3) that teach (4) a suggestion to combine or modify the references, (5) the combination or modification of which would appear to be sufficient to have made the claimed invention obvious to one of ordinary skill in the art. Importantly, the teaching or suggestion to make the claimed combination must be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Applicants assert that the Examiner has failed to establish references that, if combined, teach each of the elements of the claimed invention. More specifically, the cited prior art fails to teach:

“...wherein when each support member is attached with a support member securing mechanism, *the distal end of each support member extends laterally over the attached support member securing mechanism...*

...wherein each of the support member securing mechanisms is substantially planar for placement between a user's box spring and a user's mattress, and being formed to be *detachably attached with a single support member*; and...”

Further, the Applicant directs the Examiner to the comments above regarding Claims 1 and 34. Because Claims 9, 24, 42, and 58 depend from allowable base claims, Claims 1 and 34, the Applicant believes that Claims 9, 24, 42, and 58 are also allowable, at least based upon their dependency upon allowable base claims. Thus, the Applicant respectfully requests that the Examiner withdraw this rejection.

I. Claims 12-14, 30, 45-47, 61, 63, and 68 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Johnson patent in view of the Lewis patent.

5 The Applicant directs the Examiner to the comments above regarding Claims 1 and 34. Because Claims 12-14, 30, 45-47, 61, and 63 depend from allowable base claims, Claims 1 and 34, the Applicant believes that Claims 12-14, 30, 45-47, 61, and 63 are also allowable, at least based upon their dependency upon allowable base claims.

10 Further, Claim 68 has also been amended to include similar limitations as those set forth in claims 1 and 34. Given the new limitations, neither the Johnson patent nor the Lewis patent, either alone or in combination, teach each of the claimed limitations of Claim 68.

Thus, the Applicant respectfully requests that the Examiner withdraw this rejection.

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J. Claims 1, 3, 23, 24, 25, 29, 32, 33, 34, 36, 37, 55, 57, 58, 59, 62, 65, 66, and 67 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Shepard patent in view of duplication of parts.

20 The Applicant directs the Examiner to the comments above regarding Claims 1, 34, and 67. As amended, the Shepard patent fails to teach each element of the claimed invention. More specifically, the Shepard patent fails to teach:

“...wherein each of the support member securing mechanisms is
25 substantially planar for placement between a user’s box spring and a user’s mattress...

...where the support member securing mechanism remains affixed with the user’s bed through the weight of the mattress alone...”

To be contrasted with the present invention, the Shepard patent discloses a support
30 member securing mechanism that is a clamp-type mechanism that is tightened against the user’s bed frame. Alternatively, the present invention claims a support member securing mechanism that is substantially planar for placement between the user’s box spring and mattress.

5 Additionally, as shown in the Shepard patent, the clamp-type mechanism is not
sufficiently large enough to remain affixed with the bed via the weight of the mattress
alone. Thus, the Shepard patent does not disclose each element of the claimed invention.

Further, because Claims 3, 23, 24, 25, 29, 32, 33, 36, 37, 55, 57, 58, 59, 62, 65, and 66
10 depend from allowable base claims, Claims 1 and 34, the Applicant believes that Claims
3, 23, 24, 25, 29, 32, 33, 36, 37, 55, 57, 58, 59, 62, 65, and 66 are also allowable, at least
based upon their dependency upon allowable base claims.

Thus, the Applicant respectfully requests that the Examiner withdraw this rejection.

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K. Claims 4-6, 8-10, 19, 20, 38, 39, 41-43, 52, and 53 were rejected under 35 U.S.C.
§103(a) as being unpatentable over the Shepard patent and further in view of the
McConnell patent.

20 The Applicant directs the Examiner to the comments above regarding Claims 1 and 34.
Because Claims 4-6, 8-10, 19, 20, 38, 39, 41-43, 52, and 53 depend from allowable base
claims, Claims 1 and 34, the Applicant believes that Claims 4-6, 8-10, 19, 20, 38, 39, 41-
43, 52, and 53 are also allowable, at least based upon their dependency upon allowable
base claims. Thus, the Applicant respectfully requests that the Examiner withdraw this
25 rejection.

L. Claims 21 and 54 were rejected under 35 U.S.C. §103(a) as being unpatentable
over the Shepard patent and further in view of the Matsuoka patent.

30 The Applicant directs the Examiner to the comments above regarding Claims 1 and 34.
Because Claims 21 and 54 depend from allowable base claims, Claims 1 and 34, the
Applicant believes that Claims 21 and 54 are also allowable, at least based upon their
dependency upon allowable base claims. Thus, the Applicant respectfully requests that
the Examiner withdraw this rejection.

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5 M. Claims 31 and 64 were rejected under 35 U.S.C. §103(a) as being unpatentable
over the Shepard patent and further in view of the Matsuoka patent.

The Applicant directs the Examiner to the comments above regarding Claims 31 and 64.
Because Claims 31 and 64 depend from allowable base claims, Claims 1 and 34, the
10 Applicant believes that Claims 31 and 64 are also allowable, at least based upon their
dependency upon allowable base claims. Thus, the Applicant respectfully requests that
the Examiner withdraw this rejection.

N. Claims 15-18 and 48-51 would be allowable if rewritten to overcome the 35
15 U.S.C. §112 rejections and to include all of the limitations of the base claim and
any intervening claims.

The Applicant directs the Examiner to the comments above regarding the 35 U.S.C. §112
rejections. As described above, the Applicant contends that the claims are patentable
20 over §112. Additionally, the Applicant directs the Examiner to the comments above
regarding Claims 1 and 34. As Claims 1 and 34 are allowable, the Applicant believes
that Claims 15-18 and 48-51, which depend therefrom, are also allowable. Thus, the
Applicant respectfully requests that the Examiner provide for timely allowance of the
claims.

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Concluding Remarks:

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5 The Applicant respectfully submits that in light of the above comments and remarks, all claims are now in allowable condition. The Applicant thus respectfully requests timely allowance of all of the pending claims.

10 In the event the Examiner wishes to discuss any aspect of this response, or believes that a conversation with either Applicant or Applicant's representative would be beneficial the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

15 The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to the attached credit card form. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed. The petition fee due in connection therewith may be charged to deposit account no. 50-2691 if a credit card
20 form has not been included with this correspondence or if the credit card could not be charged.

PLEASE NOTE: If the Examiner feels that the amendments do not overcome the prior art or otherwise feels that the claims are not in condition for allowance, the
25 **Applicant respectfully requests that the Examiner contact the Applicant's representative at the number listed below to discuss the matter further before the generation of another office action.**

Respectfully submitted,



Marcus Risso

Registration No. 53,519

Tel.: (310) 266-5663